G. R. S. 58]

Previous references.

File No. 391-08

1908

(Mug)

Serial Nos. 1656

Later references.

659-16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1656

Part B for Nov. 10

SUBJECT.

Re - Vehuri allowance to one Narasimhachar from the Govt- Hanumachattram at Mulbagal.

---

(1) Petn from Narasimhachar dt 12-2-09 - Prays that the allowance of 7 seers of rice in the Cer - tificate per diem, from the above chattram may be given to him, without his being required to teach Hindu students learning Sanscrit & to perform Naivedya Samarpane in the Chattram.

(2) Endorsement to Petn^r No 2420/Mug 391-08-2, da for the production of the order of 1844 dtd

SPB—3,500—21-7-14

P.T.O

G.R.S.-11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Miscellaneous)

NOTES.

File No. 391-08

FILE HEADING.

Petition allowances to one Narasimhaghan, from the Govt Anna Chattram at Mulbagal

From

The petitioner Narasimhaghan.

No. Dated 12. 2. 09 Received 13 2 09

Diary No. 873	Enclos	Spare Copies	Serial No. /

BRIEF ABSTRACT OF LETTER.

Prays that the allowance of 7 seers of rice with condiments per diem from the Mulbagal Chattram may be given to him without his being required to teach and feed Students learning Sanskrit and to perform Neivedya Samarpane in the Chattram.

NOTES AND ORDERS.

The Govt in their Pro: No. 379-80, dated 27th July 1908, sanctioned the continuance of the daily allowance of 7 seers of rice with condiments to the petitioner on condition of his imparting instruction to and feeding Students learning Sanskrit, and also of his performing Neivedya

NOTES—First sheet

GPB—30,000 3-1-07

Serial No.

Samarpane in the Chattram in accordance with the terms of the original grant.

The petitioner prays for a review of the above order of Govt. on the foll.g grounds:-

(1) His Highness the late Maharaja Krishna Raja Wodier Bahadur IV has issued a Samad granting the allce in question to the ancestors of the petitioner, in lieu of the inam of Anantapur village.

(2) The Chief Commissioner has directed in 1857 that the allce should be continued to the petitioners family as they had no other means of livelihood.

(3) The allces in question partake of the nature of a hereditary grant, and it was on that account that ~~a partition was effected~~ they formed subject of a partition among the family members in 1824, and the partition deed was recognised by the Division Commissioner in 1826.

The above were duly considered when the Govt. order referred to was passed, as will be seen from the Note below.

E

Gt The present prayer of the Petr is that the allowance may be ordered to be disbursed to him without any restrictions imposed upon him & unconditionally.

NOTE—Contn. sheet.

27/10/09

GPB—50,000—13-5-08

and Revenue.
riat.

Revs File No. 391 of 1908

Serial No.	
	Submitted for orders before me; but with incomplete records. Call upon them to furnish a copy of G.O. 84 referred to in para 8 of the petition No. 2054 2016/1908 - Issue the usual postcard.
Revs	27/6/1909
	To
2	Avarum Narasimhachar, Nehimidar, Annachatram, Mulbagal.
	Endorsement No. 2420 dated 29th June 1909. Revs 391-08-2
	Calls for the production of the Order of 1884 as directed above.
3	To
	The Deputy Commr., Kolar Dt.
	No. 252 dated 22nd July 1909 Revs 391-08-3
	Requests to be furnished with a copy of the Proceedings of the 4th Sept. 1882 re the of certain Nehimi allees from the Chattrams at Kolar and Mulbagal.
4	From
	The Deputy Commr., Kolar Dt.
	No. 1221/39 dated 4th August 1909.
	States that Govt. Order No. 4378/135 dated 4th Sept. 1882 (which is the order referred to in Sl. no. 3) has been marked as missing in the Registers of this office
	Submitted
	4/8/09

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Serial No.

Noted by the Undersecretary

The first order confirmed the Vethami allowance to Petr subject to the condition of the Kaudhuvaj furnishing.

Petr's contention is that the grant should be unconditional.

He says that the Kaudhuvaj provided in the Sanad of Proprietorship is for teaching and Navigation Samaspan ie and that the expression to teaching in the Integral Sanads of Bhava and others is only for ascertaining description of the recipient as the person who is teaching. This contention does not appear likely It is urged that the Vethami allowance was given in lieu of a Joshi Village. The petn refers to the Sanad of Vyasa & the Chief Comr's order of 1857 & Dasa Shravan & Principal Authorities of the Bombay Presidency & the Authorities cited by petr is await Contd. ...

Petr therefore says that the allowance is not only unconditional but hereditary.

It will be seen from the above documents which upon by petr himself the allowance was stopped and the death of each recipient and was granted again. Again after the grant the Board authorities seem not to have

NOTE—Contn. sheet.

GPB—50.000—18-5-08

Serial No.

quickly given effect to it. We have this case so late as 1903 of Mr Parkinson Amildar stopping the pool in anticipation of sanction. The pool of Thiruvalur with endowments for dewy is a drain on the resources of the Chattram; and it exists the envy of others for the ado

In all these reasons the petitioner wants this matter to be finally disposed of on facts; and this request appears reasonable.

Of the documents relied upon by the petitioner and referred to in his petition stated X all except the Fort order of 1882 are available. The latter is not available either in the Secretariat or the District Office. The others are all on the file; and a perusal of these is necessary for deciding whether the petitioner's interpretation is correct. Kannadam translations of the Marathi documents and orders are also put up.

This case was once before come up for in 1903 on the complaint of one Parivara Chetty. There are a number of other references also in the Melbogam Chattram - Perhaps all these formed one file. Mr Chas Dewar on the ~~report submit~~ one of the reports has advocated ~~the~~ Government registration. The Nilamidars should be regarded as for life only under the general orders already issued." No such order is available.

NOTE—Contn. sheet.

GPB—50 000—13-5-08

Revenue riat.

Mutz File No. 391 of 1908

6

Serial No.

The Hon Mungroi Secretary has noted ~~that that~~ on Mr's reports in connection with this Chakran that that order dispose of Mr's case.

~~If~~ His Excellency of the Hon Dewan looked into all the documents & noted upon the petn. If the decision is looked upon as binding we may make the allowance under final but only for duration of petitioner of petn. If on the other hand it is held that the allowance is attached to a particular village then it ~~may be noted upon~~ will be both conditional and limited. If it is looked upon as an allowance for service it will be subject to that condition and may be continued so long as the service is performed.

It submitted to Hon Council

Ahmedabad 9/

10/8/09

P.S. Petn in this petition X refers to a Note of Dewan Purnaya ~~which~~. ~~letter~~ Mr Nanjiani is not available and there is no authenticated copy. We only have an unauthenticated copy. The Note does not ~~bear~~ give more information than the other papers on file

There is no order on 7866. The order is on 7865.

NOTE—Contn. sheet.

GPB—50,000—18-5 08

Serial No.

If is by Public Karnam translation.
Its order of 1852 is not available. Its petition
was presented and the enquiry carried through
and recorded in Tamil.
Its order of the 1866 is also not available as
it was forwarded and thereafter
10/10/1909
12

Slip N.
1623
12.8.09

The order of Govt dt. 24 June 1896
(G.) has apparently been carried
out till the allce was stopped in
Aug 1907 by the Amildar.

There is no doubt that the grant
was in the nature of a return for
Form (?)
certain services i.e. having pupils
for ಶಾಲೆಯಲ್ಲಿ and feeding them &
performing ಪೂಜೆ etc.

The statement that it was
an unconditional grant in lieu of
an inam in lands, is not borne
out by anything on record, the
docts of 1826 (?) merely contain-
ing a recital to that effect in the
petition presented by the claim-
ant.

The grant of the allowance

NOTE—Contn. sheet.

GPB—50,000—13-5 08

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MW, File No. 71 of 1908

8

Serial
No.

Conditionally by the order of 1902
sought to be revised does not seem
to be unduly hard on the Petr
as to the merits of his claim
But the Conditions seem to be too
indefinite to be properly enforced
and they may be impossible of
performance for lack of
pupils &c.

Either the allowance may be
reduced by half unconditionally,
arrears at the full rate being given
from the date of last stoppage
(Aug 1907) and continued for
life as to order of 1896

if the Petr does not agree
the claim may be sent to the
Supt of Inam settlement for
being enquired into under the
Inam rules, and disposed of
both reference to the alleged
hereditary nature of the grant.

Ask the Petr to appear, be-
fore me, as I wish to hear
him again before passing final order.

NOTE—Contn. sheet.

GPB—50,000—13.5.08

28/8/09

e at. | Revs File No. 391 of 190 9

9

Serial No.

File are transmitted. The question framed.

Ahmedabad 29/8/1909

76

Retransmitted -

As directed I questioned petr. He does not claim that his allowance be increased or its being restricted to life - If I may venture to make a suggestion I would say that if the allowance is to be restricted to life it may be unconditional as in full quantity grain.

I am not sure that the Inam Supt. can deal with such cases. There is no direct grant from Govt. The allowance is paid from the Taluka of a Charitable. Such claims have not been investigated by the Inam Dept.

As far as I can see from the second document produced it is plainly stated that the grant is hereditary. Petr says that the use of the word 'Dad' makes the grant hereditary.

It is my humble opinion that the case be disposed of without a reference to the Inam Supt.

The available important orders as regards Nehemi allowances are putup.

Ahmedabad 31/8/1909

1796

In our view, the Inam Rules do

1.9.1909

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

not apply. As the Claimant contends that this is a hereditary allowance, Govt may ask the Supt to treat it as if it were a claim for a cash inam like the Malwad Cash inams Rev. Man. P. 217 J[x] and decide the case on their analogy. If this is done, we shall have the opinion of ~~the~~ an independent tribunal to follow in deciding the case. I should have asked the claimant if he would take the chance of such a decision. Of course, it was not to be expected that he would willingly assent to a reduction.

In order to know what the grant for life would cost apparently, it should have been ascertained as to many persons interested as to what male reprs are living at present & what their ages & relationship to Common Ancestor is

Ref to Circ dated 4/9/19 Inam Rules [illegible] re Cash inams only by way of analogy. This is a

NOTE—Contn. sheet.

GPB—50.000—13-5-08

and Revenue
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File No. 391 of 1908

Serial No.

Case in which a decision of a Court would be of Considerable use to us, as being the order of a disinterested tribunal. Is there any precedent for allowing a Suit to be instituted in such case, i.e. for asking the Claimant to obtain the decision of a Competent Court?

The opinion of the Govt Advocate is the nearest substitute, as it is doubtful whether a Suit will be entertained against the Govt in a Civil Court. Perhaps we may call for it ~~perhaps~~ after the ~~above~~ queries above are answered.

4/9/09

A Genealogical tree presented by Naniah Chan Ching. He has been asked to attend again on Monday next.

7/9/1909

Re Submitted

ship P.

A Genealogical tree presented by the petitioner is put up. It shows that Petitioner and his three sons aged 17, 15, and 4 years, his Gnati Vyavaree Chan aged 32

NOTE—Contn. sheet.

GPB—50,000—13-5-05

Serial No.

with a Son aged 3 and another Sraki Son aged 10 are now alive The Petitioner takes half the allowance while his Cousins take the other half.

As a Civil Suit is out of question I asked the Petitioner if he would accept a decision by the Dewan Superintendent as final. Petitioner says that as the matter has all along been decided by the Executive Government, the present application also may be decided by them In these Circumstances I shall try to place before the Councillor, the facts that may be helpful in arriving at deciding the Case If necessary, the opinion of the Dewan Superintendent or of Govt Advocate or both will be obtained.

I submit herewith for purposes of reference, the old Revenue Manual at page 54 of which the Rules relating to the treatment of personal Money Grants are printed. After dealing in detail with the several documents relied upon by Petitioner, I shall submit my humble opinion in the Case

NOTE—Contn. sheet

GPB—50 000—1d-5-08

File No. 391 of 1908

Serial No.

Slip C

The documents relied upon are referred to in the petition of January 1908. These are:—

1. ✓ Dewan Purnaiya's Jakeed of the year Prabhava (1807-8).
2. ✓ H. H. the Maharaja's Nirupa of the year Prajotpatti (1811-12).
3. ✓ Do - of 30-6-1814 (Bhava).
4. ✓ Do - of 8-6-1823 (Swabhanu)
5. ✓ Do - of 5-7-1826 (Vijaya)
6. ✓ Division Superintt's order of 30-8-184[illegible] (Should be 21-8-1845)
7. ✓ Chief Commissioner's order of 1852
8. ✓ Do — of 21-8-1857
9. ✓ Dy Com Mr Krishnaswami's order Dt 17-11-1864.
10. ✓ Huzur Hukum Dt 30-11-1866
11. ✓ Dewan's order of 1884. (Should be 1882)
12. Dy Com. Mr Venkata Varada Iyengar's order of 10-8-1900.

Of these, No 11 Dewan's order of 1882 which in para 5 of the petition is said to have been finally settled the question upon a review

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

of all the papers is as stated above at page 5 of this note not available either in the Secretariat or in the District office. Paper No 10 ~~xxxxxxxxx~~ which perhaps is not as important is also not available. The others are dealt with below:—

slip O + O'

No 1. Purnaiya's Vinnap runs thus:—

Feed Neivedya Samarpane Narahari clear his disciple 3 students, his wife and son Total 7 persons in the day time in the Chatram and give rations for night meals.

It is not said that the feeding is for neivedya samarpane or teaching. The document produced is neither the original nor an authenticated Copy.

slip K + K'

No 2. Vinnap of Prajotpatti forgets the pay for Neivedya Samarpane and teaching and also for Yela-Gandhakshate.

This says nothing about the feeding. Petitioner urges that this clearly shows that the feeding has nothing to do with teaching

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

and receipt Sawarkars.
The original Samad has been produced now.

Slip D. No. 3. Nirroop of 1814 (Bhava) refers to Purnaiya's Nirup in these terms. On his way to Seringapatam, the Dewan Purnaiya halted at the Chattram and finding that Narahariachar had only a small extent of Bhatamanya which he had to share with 3 others — directed that the Achar should be fed in daytime and given rations for night meal. The allowance to Narahariachar was confirmed. The allowance to Koneri Achar and Ramachar has who had Jodi villages has been stopped. There is no reference to Adavi Anantapura. This Samad is also an authority for stopping the rehani allowances of well-to-do people. The original has been produ

GPB—50.000—13-5-08

Serial No.

Slip E

No 4. Nirup of 1823 (Swabhanu) Continues as recommended by the Amildar, the Allowance to Narahariachar's Sons Narasimha char and Madhwa char and their Sishyas.

Original produced. It is not said that the allowance was, or should be, hereditary. It had actually been stopped on the death of Narahariachar. There was a 3d Son Srinivasachar who has not been referred to at all

Slip F & F'

No 5. Nirup of Vyaya 1826 was issued on the Complaint of Narasimha char and Madhwachar that the allowance had been stopped. It refers to Purnaiya Nirup and H.H. the Maharaja's Nirups of Plava and Swabhanu. Reference is made to Adavi Anantapur which is not referred to in any of the previous Sanads and it directs that the allowance should be Continued to the Petitioners and their Sishyas

Slip G & G'

No 6. Division Sherista Order of 21-8-1845 was issued on a Complaint by Srinivasa char, the 3d Son of

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

Narasimhachar to the effect that he was not permitted to do the neivedya Samarpane in his turn and receive the pay and rice allowance. It was directed that in accordance with the previous practice, the party should work in turns and receive the pay and rice. It also shows that in the place of Madhwa Char deceased, his son Narahariachar was performing the duty and receiving the emoluments.

~~Slip~~

Slip. N.

No 7. Order of the Chief Court of 1852 is not available. but the petition on which it was based and the endorsement granted to the party have been produced. The Complaint of Narasimha Char was that the Amildar required all the 7 people to attend the day meal and that this could not be done as some were very old and young. And it was requested that the allowances of such ~~as that~~ as did not attend should be discontinued. The Endorsement shows that the prayer was granted.

GPB—50.000—13-5-08

Serial No.

Slip H.

No 8. Chief Com^rs order of 1857 directs the Continuance of the allowance to Nara Simha Char's Son Sreepada char, ~~Raj~~ Madhwa char's son Raghvendra char and other heirs.

Slip L.

No 9. On a complaint by Sreepada char, Srinivasa char and Raghvendra char that the allowance was not regularly paid, the Dy Com^r Mr Krishnamgar directed in 1864 that in accordance with the order of 1857 the allowance should be paid regularly. ~~Subsequently~~ on

I shall refer to paper 12 later on.

Though in none of these documents it is said that the allowance is hereditary the allowance has been Continued by Competent authority from father to Son including petitioner who was appointed in place of his father Sreepada char in 1889 Had the allowance Continued hereditarily without any Sanad, Clause iii of Rule VII would apply by analogy. I don't see why it should not apply though there are Sanads and such authoritative

Page 54

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Serial No.

orders have been issued on the death of each recipient.

Bombay High Court Reports, Appellate Civil Jurisdiction Vol. 14 p. 2.

I have come across two decisions to the effect that when a grant is enjoyed hereditarily for a ~~Sanad~~ number of years the party has a right to claim it. I have also stated at page 6 of this note that in ~~1896~~ 1896 then Dewan in passing orders generally about the Mulbagal Chattram might not have been aware of the details of the Petitioner's case. Though the Rule that rehain allowances should ordy continue for life, is quite sound, it would not be fair to apply to the present case. I dont say that the case is not complicated or that the records clearly establish that the allowance is a Subsistence grant and not a Service grant. — On the whole, my humble opinion is that it is ~~unpardonable~~ equitable to look upon the allowance as in the present case as a hereditary one.

The next point for consideration is the quantity of provisions to be continued. It must be noted that though Narahari chari had 3 sons

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

only one was permitted to take meals in the Chattram. When the allowance was renewed to his sons, there is only reference to their Sishyas and not to their wives or Sons. In 1857 also, Sreepada char and others referred to Sishyas. In these circumstances, Petitioner should not look upon it as unfair if he Confirmed the allowance of three Parisers. It is three Seers of rice per day with Condiments for more than 20 years It must also be noted that prior to the issue of Mr. Venkata Varadarajyar's order of 1900 (Document No (2)), the Petitioner was getting payment in cash at the rate of 16 seers per Rupee which is double the market rate. This practically means that he was getting the price of half the fixed quantity of rice. Mr Venkata Varadarajyar however ordered that the Petitioner should get the price of the fixed quantity at the market rate and so the amount now paid has swollen to a large sum. At 16 Seers per Rupee the Cost of 210 Seers will be about Rs 13/-

Slip A not in file

GPB—50,000—13-5-08

Serial No.

and allowing Rs 7/- for Condiments the might settle hereditarily the Cash-Grant of Rs 20/- per month

76

Inam Commr Ahmednagar

16/9/09

In the Bombay Case (which is somewhat similar (5 B H.C App C. P.1) there had been a sort of recognition at a previous settlement by Govt in 1808 The authority does not seem to be Conclusive.

What are Muzrayi accounts of Burmanya referred to in Rule VII 3 on P 54 of Old Rev Manual? Is the account for Mulbagal Taluk available? If so, I should like to see the account.

(Afterwards get the opinions of both the Govt Advocate & the Inam Supt.)

24/9/09

GPB—50,000—13 5 08

Serial No.

Inam Reg. No. 18

Forwarded to the Inam Supt. enquiring for remarks with a request that the Mengrayi Accounts of Pannayya appointed by the Tahsildar which must have been produced at the 2nd Settlement may also be forwarded.

By order

Asstt.

23/9/1909

24/2/1910

N.O. No. 10 / 1909-10

N.O. No. 10 / 1909-10

Nehmi allowances given out of Chatram Funds are not Settled by this Department as separate grants but the grant for the Chatram is Settled as a whole. In the present instance, an allowance of Rs 69-15-0 per month is Settled as a ready money grant for the Annachatram at Mulbagal in 1874. In column 6 of the Inam Register it is Stated that in the Fasli Bara wardh of 1873, it is entered as follows:-

Anna Santarpane		Rs 58-0-0	
Talabdars - Muttaddi	Bhimia Rao	2-6-0	11-15-0
Swayampaka	Gopalayya	3-10-0	
Puricharaka	Venkatswamiah	2-6-0	
Veyyedya Samarpane	Sripada Char-	1-3-0	
Gandakshati	Raghavendrathar	1-3-0	
Gollar	Venkayya	1-3-0	
	Total per month Rs		69-15-0

NOTE—Contn. sheet

GPB—50 000—13-5-08

and Revenue Secretariat.

File No. 391 of 1908

23 28

Serial No.

The Taluk Baravardhs and Muzrai accounts were seen by the Inam investigating officer and returned then and there. They are not in this Office.

Cases of Nekme allowances are not settled by the Inam Department as opined by the Under Secretary (Muzrai Department) in his note dated 31-8-1909 and concurred in by the 2nd " Councillor on 4-9-1909, but if as suggested by the latter, the rules for the Settlement of ready money grants be applied by way of analogy, then clause 3 of Rule VII of the rules becomes applicable to the case. As the petitioner and his ancestors have been enjoying the allowance uninterruptedly since 1814, as will be seen from the records, the allowance may be confirmed as a hereditary Ready money Inam

L. Rama Rao.
Superintendent of Inam Settlements.

12 " February 1910
Bangalore - 3

Forwarded to the Govt Asst Secy
for favour of opinion

NOTE—Contn. sheet.

GPB—50,000—18 5 08

15/4/10

W.O. 46.
dated 17-2-10

Serial No.

1. The claim consists of two items viz (1) ----- Naivedya Samarpane allowance of Rs.1-3-0 a month and (2) Nehami allowance of 7 seers of rice and condiments per day. The fisrt item has been dealt with by the Inam Department by classing the same with the other office bearers in the Chatira.

2. The 2nd item of Nehami allowance seems ta en its origin by an order of Dewan Purniah The Muzrai account of Purniah's time may contain the exact terms of the grant, and it is alleged that this account was produced before and was inspected by the settlement officer at the Inam enquiry. It may probably be found in the Taluk or District records. If the record be not forthcoming, we shall have to determine the terms of the grant from the several orders passed in the matter from time to time and from the original documents produced by the petitioner.

3. Whatever may be the origin of the Nehami allowance, a perusal of the documents referred to in the note of the Under Secretary leads to the conclusion that the allowance is hereditory in the family of the grantee and that the only condition that has become somehow attached to itself is that the recipient should be sufficiently learned in the Sanskrit language to be able to impart instruction to pupils. Considering the fact that Mulbagal was at one time reputed to be one of the few places of Sanskrit learning

GPB—55,000—27-4-09

Seri
No.

learning in the Province, it is not unreasonable to infer that the original intention of the ---- grant was to encourage this learning.

The point now for consideration is whether it is not advisable to insist on this qualification being required in the holder for the time being. The indefiniteness of the qualification and the consequent possibility of oppression at the hands of unscrupulous officials are patent. But it is possible and perfectly open to Government to lay down a definite but not a very high standard of Sanskrit proficiency as qualification for the ---- successor to the seat of the holder of the allowance. If no member of the family possess the required qualification at the time of the death of the holder, the Government may, instead of stopping the allowance at once, reserve half of it for 10 or 15 years as a concession to enable one of the members to acquire the required qualification and on failure to stop the allowance for all.

I do not think that this course, if open, can be questioned in Civil Courts.

17 2. 1910 S. Narayanaswami Aiyar
Govt Advocate

Submitted
17 2 10
Mr Nott,
Mr 25/2/10 Mysore in Hindu Law.

NOTE—Contn sheet

GPB—55,000—27 4 09

ue

at.

File No. 391 of 1908

Serial No.

The file having been mislaid there has been delay in obtaining the opinion of the Inam Supt and Govt Advocate.

Mr Amildar in his report No 25 of 30.9.09 to the Mamlatdar Supt has said that the Tahsildar has not Purnayas Mamlatdar's Office.

The Vernacular records of the Settlement have sent some accounts which are stated in Kannada - Have been sent to the ~~objections~~ Statements made in his previous pros of this note

Submitted to Secretariat

Abstract

3020

5/3/1910

Neither the opinion of the Inam Supt nor that of the Government Advocate seems to be of much use or relevancy. The facts are not disputed. The Pltf & his predecessors, it may be assumed, have been enjoying the grant with breaks now & then. The documents filed

NOTE—Contn. sheet.

GPB—50,000 -13-5 08

Serial No.

by the Party and the Taluk account found in the Vernacular records bear this out.

The presumption raised by the Mowa Lapse & the Inam Lapse accg to rule VIII(3) (Old Rev Man. P 54) would be valid only when no documents explaining the origin of the right claimed are forthcoming. The main question in this case is whether according to the terms of the grant (as alleged by the Asst himself) it can be construed as a hereditary grant.

There is no proof at all to show that this grant was made in lieu of any jaghir as alleged in a petition of the claimant. At best if it was an order by Dewan Purnaiya that rice &c should be given to a certain Vaidika Brahmana. In the absence of words showing that it was to be hereditary, I think it should be assumed to be only a precarious — not even a life-grant, to be in force only as

NOTE—Contn. sheet.

GPB—50,000—13 5 08

Serial No.

long as it is not withdrawn
that it was confirmed on two
or three occasions to successors
cannot alter the nature of the
grant.

Can the claimants be held to
have obtained a right to this by
long enjoyment?? I am not ~~sure~~
aware of any rule of law which
allows such rights to be acquired
by force of prescription; and other
rules about limitation only serve
to bar Suits to recover the exercise of
rights.

It seems to me that the pets
was very liberally treated by Govt
when the order of July 1908 was passed.
The conditions attached are however
indefinite and difficult to enforce.
I would therefore propose that
they may be removed, and
the pets claim disposed of
as suggested by me as the first
alternative in P.S of the Note.

Dewan.

11/4/10

Secretary

Note—Contn. sheet.

GPB—55,000—27 4.09

Revenue iat. | File No. | of 190

27

Serial No.

5546
13.4.10

Submitted v. Dr Dewan
12 Advocate-Genl
14/4/1910

I agree with the 2nd Committee. The first of the alternatives mentioned at page 8 of these files may be adopted.
3 Nov 10

Portrait draft is indicated.
3
8/11/1910

Submitted with a draft Secretariat order
9.11.10 Advocate-Genl
9.11.1910

Draft appd by 2nd
11/11/10

Secretariat
3
14/11/1910

2 De. Kala deceased Govt.
(Rs) No 1313-4 d 18.11.1910, directs that the allowance being given to Kalu be reduced to one half & it continue to him during his lifetime & arrears due to him since the death of the lessee be given him at the full rate
Sl(6) No 1315 dy 18 11/10 - Copy to Secretary

NOTE—Contn. sheet.

GPB—55,000—27-4-09

D873

Suit No. 391-08-1

ಬದಲ್ಲಿ ತೆ-ಶಂಶಬ ಸೂಂಡಿ ಕೆಬ್ಕಿ ಂ
ಲಡಿಪ ಚಬೆಲಿ ಕೆ-ಂಬ ಬಾಂಶ 1846 ಲೆಲ್ಲ ಅಬ್ಲಿ
ಶಶಬ ಹ್ಕೆಂ ಕೆಬ್ಕಿ ಲ್ಕೆ ಬಶಲಿ ತೆ ಂಬಪ್ಕಂ ಸಂತೆ ಅಬ ಸ್ಕೆ ಲ ಶಬಂಪ
ಕೆಲ್ಲಿ ಲೆ: ಅಬ್ಕಿ 52 ಲೆಲ್ಲಿ ಂ ಅಬ್ಲಿ ದಾಂ ಶ ಸ್ಕೆ ಲ್ಲಿ ಅಬ್ಲಿ
ಶ ಪ್ರಶ್ಕೆ-ಹೆಂ ಲ ಪ್ಕಶಬ ಹ್ಕೆ ಬಶ ಹ್ಕೆಂ ಲ್ಕೆ ಶಬಲಿ ಪ್ರಬ್ಕೆ ಸ್ಕೆ ಲ್ಲಿ ಕೆಂಪಂ
ಚಬೆಬ್ಕೆ ಲ ಪ್ರಪಂ ಕೆಲ್ಲಿ ಅಲ ಂ ತೆ ಶಂಬ ಶಂಬಲಿ ಲ ಪ್ರಬ್ಕೆ-ಂತೆ ಶಬಂಪಂ
ಲಬಂಬ ದಾಂ ಪಲಿ ಅಬ್ಲಿ ಪ್ಕಶ್ಕೆ ದಾಂ ಶ್ಕೆ-ಪಾಂಪ್ಕೆ ಶಂಲಿ ಪಬಶ್ಕೆ ಲ್ಕೆ

5) ಹ್ಕೆ ಶಲಿ ಲಬಂಶ ತೆ ಶ್ಕೆ ಪಿಂಪ ತೆ ಪಬ್ಕೆಶ್ಕೆ ಶಬಂದಿ ಪಿ. ಅಬ್ಲಿಂ ಕೆಬ್ಕಿ
ಶ್ಕೆ ಪ್ಕಶಬಲಿಲ್ಕೆ ಶಲ ಪ್ಲಿಂ ಂಲ ಪ್ಕಂ ಸ್ಕೆ ಲ್ಕೆ ಲಿಲ್ಕೆ ಶಲ್ಕೆ ಶಲಿ ಅಬ್ಲಿ ತೆಂ
ಲಬ ಕೆ-ತ ಶಲ ಪ್ಕಶ್ಕೆ ಅಬ್ಲಿ ತೆಂ ಲಬ ತೆಂಪ ತೆ ಪ್ಕಂ ಕೆಬ್ಕಿ ಕೆಲಿಂ ಲಪಂ
ತ ಪಾಬ್ಕೆ ಪ್ರಬ್ಕೆ ಶಲ್ಕೆ ಅಬ್ಲಿ ಕಾಂ ತೆ-ಶಪ ಕೆಬ್ಕಿ ಶಬಲಿ ಶ್ಕೆ ಪ್ರಶ್ಕೆ ಶ್ಕೆ ಲ್ಲಿ ಕೆಲಿಪ್ಕೆ
ಶಬಲಿಲ್ಕೆ ಸ್ಕೆಲಿಂ ಶ ಲಪ ಕೆಬ್ಕಿ ಪ್ಕಂ ಸ್ಕೆ ಲ್ಲಿ ಲಿಲ್ಕೆ ಂಶ 7 ತೆಲಿಲ ಅಪ್ಕಿ ಲಲಂ
ಪ್ಲಿ ಶಬಂ ಪ್ಕಪ ದಾಂ ಲಪ ಲಬಲಿ ಕೆಬ್ಕೆ ಲಬಶಲಿ. ಶಲ ಂ ಪ್ ಂಶಬಂ ಲಬಪ್ಕೆಲಿಲ್ಕೆ ಶ
ಪ್ಕಿ ಲಪ್ಕೆಲಿಲ್ಕೆ ಲಪ ಪಿಂಪಬ್ಕೆ-ಂಕ ಲ್ಕೆಂ ಲಬ ಕೆ-ಲಪ್ಕೆ ಕೆಬ್ಕಿ ಂಶ ಂ ತೆ ಲಪ್ಕೆ ಅಬ್ಲಿ
ಂಲಿ ಪ್ಕೆ ಅಲ್ಕೆಬ್ಕಿ ಲಿಲ ಲಪ ಶಲ ಕೆ-ಲಿ ಕೆಬ್ಕಿ ಂಶ ಂ ತೆ ಲಿ ಪ್ಕೆ ಲಪ್ಕೆ ಶಲಿ ಕೆಬ್ಕಿ ಂಶ ಂ
ಶಲಿ ಪ್ಕೆ ಲಪ್ಕೆ ಶಲಿ ಕೆಬ್ಕಿ ಂಶ ಂ ತೆ ಲಿ ಪ್ಕೆ ಲಪ್ಕೆ ಶಲಿ ಕೆಬ್ಕಿ ಂಶ ಂ ತೆ ಲಿ ಪ್ಕೆ ಲಪ್ಕೆ ಶಲಿ
ಕೆಬ್ಕಿ ಂಶ ಂ ತೆ

ಅಂಗಡಿಯಲ್ಲಿ ಸಿಗುವ ಸಾಮಾನುಗಳು

4

No. 2420 / Mun. 7. 391-08-2 ದಿನಾಂಕ

G.R.S. 29A]

190 .

5

From

Secy. to the Govt of His Highness
the Maharaja of Mysore,
Genl. and Rev. Dept.

To

The Deputy Commr
Kolar Dt

Dated

Despatched 27th July 1909.

Received

General No. 752

No. R 7 391-09-3

Enclosure No.

Has the honor to
request that a copy of
Govt Pro: ~~No~~ D dated
14th September 1882
re the continuance of
~~the allo~~ certain Nehime
allowances from the
Chattrams at Kolar
& Mulbagal may be
kindly furnished to this
Office as the Same is
required ~~to disp~~ for

MGCPB—20,000—16-2 05

in connection with
the ~~Revision~~ petition of
Narasimhachar praying for a review of
Govt order no 379-80
dy 27th July 1908
~~for the that the allowance~~
~~of 7 Rupees a year with~~
~~Conditions to be drawn from~~
~~the Mathajat Chattram~~
~~may be given to him without~~
~~his being required to teach~~
~~& feed Students learning~~
~~Sanskrit & perform Vaidya~~
~~Sastra Samaradhane in the~~
~~Chattram~~

By order
Sd/
27/7/1908
for Secretary
to Govt

89

1909

From
The Deputy Commissioner,
Kolar District

To
The Secretary to the Govt
H.H. The Maharaja of
Mysore Branch
Bangalore

Dated
Despatched
Received 4th August 1909
General No. 1221
No 29
Enclosure No.

Stating that Govt
order No. 4378/135 dated the
14th September 1882, relat
to the submission of a list
of the recipients of Nikini
allowances at the various
Chavadis has been
as "missing" in the Registers
of this office.

Reply
GA
continue note
3?
6/8/09
W

No. 1221/39

OFFICE OF THE DEPUTY COMMISSION
KOLAR DISTRICT.
Dated the 4th August 1909.

From.

C. Srikanteswara Aiyar Esqr. B.A., B.L.,
Deputy Commissioner,
Kolar District.

To.

K. S. Chandrasekhara Aiyar Esqr. B.A.B.L.,
Secretary to the Government of
His Highness the Maharaja of
Mysore, Huzrai Branch.

Sir,

With reference to your docket No. 252 / M.7.391-08 dated 23rd July 1909, - requesting to furnish a copy of Government proceedings dated 14th September 1892, regarding the continuance of certain Nikimi allowances from the Chatrams at Kolar, and Mulbagal, I have the honor to state that from the registers of this office it is seen, that

that Government order No. 4378/135 dated 14th September 1882, relates to the submission of a list of the receipients at the various Chatrams &c, and it has been marked as "missing" in the Registers of this office.

I have the honor to be,
Sir,
Your most obedient Serv

S. Shamanna

for Deputy Commissioner
Kolar District

983

File No. 37

Serial No.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue_____

Signed by_____

READ—

Govt Pro. no 379-80 da 29th July 1908 Sanctioning the Continuance of the daily allowance of 7 seers of rice with Curdinus to Arcarur Narasimhachar on Condition of his imparting instruction to and feeding students learning Sanskrit, and also of his performing Nitya Samarpane in the Chattram in accordance with the terms of the original grant

Petition dy Nil 12th Feby 1909. from Arcarur Narasim representing that the allowance

over

ORDER THEREON.—No.

SUBJECT.

GPB—10,000 -9 12 09

of lice was granted to the Petr, family hereditarily and unconditionally in lieu of Inam lands and praying for a modification of the order read above.

Order thereon - No. 1313-H dt. 11-11-1910
W.P. 391-05-5

The Statement that the grant was an unconditional one in lieu of Inam lands is not borne out by anything on record. There is no doubt that the grant was in the nature of a return for certain services in having four pupils for వం చ 5) వ 23) and feeding them and performing [illegible]

2) The Govt order sought to be revised which directs the continuance of the grant conditionally does not seem to be unduly hard on the Petr according to the merits

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

11

of his claims; but the Conditions seem to be too indefinite to be properly enforced and they may be impossible of performance for lack of pupils & other reasons. After a careful consideration of the case, Govt are pleased to direct that the allowance be reduced by one half and paid unconditionally to Aramar Narasimhachar during his life time. Arrears at the full rate should be given from the date of last stoppage (August 1909) to the date of this order.

Dewan's Redraft ordered

Q? 9.11.1910

Jr Secretary. 9.11.10

14/11/10

To,

The Dy. Commr, Kolar &c
& Comptr, Mysore Bank

Copy to Aramar Narasimhachar
with ref to his petition No 873 dd 12.2.09